

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Roberto Joel Lopez,

Plaintiff,

v.

ORDER

Case No. 05-877 ADM/AJB

Gene Winstead, City of Bloomington,
Unnamed and unknown Police Officer, individually,
Unnamed and unknown Police Officer, individually,
Unnamed and unknown Police Officer, individually,
Unnamed and unknown Police Officer, individually, et al.,

Defendants.

There was no appearance by or on behalf of Plaintiff.

Jeffrey A. Egge, Esq., Iverson Reuvers, Bloomington, MN, appeared for and on behalf of Defendants.

On April 28, 2006, oral argument before the undersigned United States District Judge was heard on Defendants' Motion to Dismiss, Or, In the Alternative, Summary Judgment [Docket No. 8]. For the reasons set forth on the record at the April 28, 2006 hearing, Defendants' Motion for Summary Judgment is granted. Plaintiff has failed to conduct discovery, and has not named, or proffered any evidence leading to the identity of, any of the unnamed Defendants. Moreover, Plaintiff's counsel has not responded to communications from Defendants' counsel or the Court in regard to this Motion or hearing on this Motion. Consequently, it is determined that Plaintiff has abandoned prosecution of this action.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS**
HEREBY ORDERED that Defendants' Motion to Dismiss, Or, In the Alternative, Summary
Judgment [Docket No. 8] is **GRANTED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: April 28, 2006.